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MCDERMOTT WILL & EMERY LLP  
600 13TH STREET, NW  
WASHINGTON, DC 20005-3096

EXAMINER
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FISCHER, MARK L

ART UNIT	PAPER NUMBER
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2627

NOTIFICATION DATE	DELIVERY MODE
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01/20/2012

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/585,947	<b>Applicant(s)</b> EJIMA, NAOKI	
	<b>Examiner</b> MARK FISCHER	<b>Art Unit</b> 2627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2011.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 5) ☒ Claim(s) 1-8 and 11-21 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☒ Claim(s) 11 and 12 is/are allowed.
- 7) ☒ Claim(s) 1-5,8 and 13-21 is/are rejected.
- 8) ☒ Claim(s) 6 and 7 is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 10) ☒ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

### **DETAILED ACTION**

1. This Office action is in response to the Amendment filed on December 29, 2011.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on September 20, 2011 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

#### ***Specification - Title***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

#### ***Specification***

4. The disclosure is objected to because of the following informalities:

- (a) **Page 8, line 20:** "as following" should be --as follows--.

Appropriate correction is required.

#### ***Claim Objections***

5. Claims 1-4 are objected to because of the following informalities:

- (a) **Claim 1, line 3:** "comprising" should be --comprising:-- (note the added colon ":").

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(b) **Claim 2, line 2:** "comprising" should be --comprising:-- (note the added colon ":").

(c) **Claim 3, line 2:** "comprising" should be --comprising:-- (note the added colon ":").

(d) **Claim 4, line 2:** "comprising" should be --comprising:-- (note the added colon ":").

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1-5, 8, and 13-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Kori et al. (JP 2000-339851 A using US 6836844 B1 as a translation) hereinafter Kori.**

**Regarding claim 1,** Kori discloses a content transmitting apparatus (e.g., Fig. 5: 23a and/or 24d) which transmits content of a first recording medium that is digital copyrighted work including a plurality of content blocks, the apparatus comprising

a transmission unit (e.g., Fig. 5: 23a and/or 24d) configured to transmit information (Applicant's claim 1 only really claims a transmission unit “configured to” transmit information. It has been held that the recitation that an element is “adapted to” perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation

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in any patentable sense. *In re Hutchison*, 69 USPQ 138. Similarly, it can be said that the recitation that an element is “configured to” perform a function is not a positive limitation but only requires the ability to so perform. Since element(s) 23a and/or 24d is an output terminal for outputting data, it has the ability to so perform the transmission of data that is supplied to it to be output. Thus, all of the data transmissions (i.e. repeat transmitting copy control information, repeat transmitting content identification information, content status information, first information, second information, flag information, etc.) being claimed in claim 1, are all involving transmission of data which the output terminal 24d has the ability to perform.).

**Claim 21** recites limitations similar to those of claim 1, and is rejected for the same reasons set forth above in the rejection of claim 1.

**Regarding claim 2**, Kori discloses the content transmitting apparatus according to Claim 1, further comprising

a control unit (e.g., Fig. 6: 40) configured to judge whether or not content to be transmitted is copy associated with copy permission number (col. 11, lines 14-22: “the controller 40 searches the copy history information managing memory 41 on the basis of this ISRC to determine whether the copy history of this information content is stored in the table TB in the memory 41 (step S6)”),

wherein in the case where the content to be transmitted is judged as the copy associated with the copy permission number by said control unit (col. 11, lines 22-33: “If the past history is found in the table TB ...”, i.e., copy permitted count is present), said transmission unit transmits, for each of the plurality of content blocks, in parallel with said each of the content blocks, the copy control information, the content identification information and the content status

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information (CMGS, ISRC, start flag, and end flag are all transmitted together with the content blocks as already set forth in the rejection of claim 1), and in the case where the content to be transmitted is judged as not the copy associated with the copy permission number (col. 11, lines 34-47: “If the last history is not found in the table TB ...”, i.e., copy permitted count is not present), said transmission unit transmits, for each of the plurality of content blocks, in parallel with said each of the plurality of content blocks, the copy control information and the content identification information (CMGS and ISRC are both transmitted together with the content blocks as already set forth in the rejection of claim 1).

**Regarding claim 3**, Kori discloses the content transmitting apparatus according to Claim 1, further comprising

a content reproducing unit (Fig. 5: 21) configured to repeatedly read out, from the first recording medium, for each of the plurality of content blocks, the corresponding content block, the corresponding copy control information, the corresponding content identification information and the corresponding content status information (e.g., col. 7, lines 55-61: “the compressed digital audio signal with the content ID and the copy control information attached is supplied to the digital interface 24” which indicates that the content ID and copy control information was read out by unit 21)

wherein said transmission unit (e.g., Fig. 5: 23 and/or 24) transmits the content block, the copy control information, the content identification information and the content status information that have been read out by said content reproducing unit (col. 7, lines 48-54: “the content ID and the copy control information ... outputted along with the analog audio signal to

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... an audio signal recording apparatus [e.g., Fig. 6]”); or col. 7, lines 55-61: “This compressed digital audio signal is outputted through the output terminal 24d”).

**Regarding claim 4**, Kori (under an interpretation A) discloses the content transmitting apparatus according to Claim 3, further comprising

a control unit (e.g., Fig. 6: 40) configured to generate a validity flag (e.g., CGMS) indicating whether or not the content identification information read out from the first recording medium is valid data (e.g., CGMS indicates whether the data on the recording medium is valid non-copy-wise (i.e. whether copy is not to be prohibited)),

wherein said transmission unit transmits the content identification information accompanied by the validity flag (both ISRC and CGMS are transmitted by either of 23 and 24 of Fig. 5 as previously discussed in the rejection of claim 3).

**Regarding claim 5**, Kori (under the interpretation A) discloses the content transmitting apparatus according to Claim 4,

wherein said control unit (40) judges (Fig. 8: step S2) whether or not read-out mode of the first recording medium used by said content reproducing unit is special reproduction (i.e., copy permitted reproduction that is special in that it involves the detection of start and end flags) and in the case where the read-out mode is the special reproduction (i.e. step S2 = copy permitted), said control unit (40) generates a validity flag (e.g., CGMS flags are generated whenever the watermark information is reproduced, such reproduction occurring during copying) indicating that the content identification information (IRSC) is invalid (e.g., col. 11, lines 6-13: CGMS flag of “00” or “10” indicates that data is invalid non-copy-wise (i.e. copy is not to be prohibited)).

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**Regarding claim 4**, Kori (under an interpretation B) discloses the content transmitting apparatus according to Claim 3, further comprising

a control unit (e.g., Fig. 6: 40) configured to generate a validity flag (e.g., CGMS) indicating whether or not the content identification information read out from the first recording medium is valid data (e.g., CGMS indicates whether the data on the recording medium is valid copy-wise (i.e. whether or not it can be copied)) ,

wherein said transmission unit transmits the content identification information accompanied by the validity flag (both ISRC and CGMS are transmitted by either of 23 and 24 of Fig. 5 as previously discussed in the rejection of claim 3).

**Regarding claim 8**, Kori (under the interpretation B) discloses the content transmitting apparatus according to Claim 4,

wherein in the case where the validity flag indicating that the content identification information is invalid is generated (e.g., CGMS is “11”), said control unit makes the content identification information null data (Fig. 8: step S8: stop recording) (paragraph bridging cols. 10 and 11: if CGMS is “11”, then copy is prohibited and recording is disabled which can be considered making the data that was to be recorded into null data).

**Regarding claim 13**, Kori discloses a content receiving apparatus (Fig. 6), and the content receiving apparatus (Fig. 6) comprises:

a receiving unit (e.g., 32 and/or 36) configured to receive said each of the content blocks, the copy control information, the content identification information and the content status information (col. 9, lines 28-37: 35 detects content ID and copy control information which indicates that the information was passed through 32); and



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a recording unit (e.g., 43, 44, and/or 40) configured to record the content indicated by the content identification information into the second recording medium (200) based on the content status information within a range that does not exceed the copy permission number (see Fig. 8: step S7 and col. 11, lines 22-33), in the case where the copy control information indicates that the copy permission number is limited (Fig. 8: step S6) and

wherein the content status information indicates one of a head part, a central part and an end part of the content (col. 6, lines 30-38).

**Regarding claim 14**, Kori discloses the content receiving apparatus according to Claim 13, further comprising:

a memory unit (Fig. 6: 41) configured to memorize copy number table (e.g., Fig. 7: TB) that has recorded a cumulative number that has been acquired after the receiving unit received, for each of the content identification information, the content indicated by the content identification information, and recorded into the second recording medium by the recording unit (col. 8, line 52 to col. 9, line 12), wherein:

said recording unit (i) refers to the copy number table memorized by said memory unit, (ii) reads out the cumulative number corresponding to the content identification information received by said receiving unit, and (iii) judges whether or not the read-out cumulative number does not exceed the copy permission number indicated by the copy control information received by said receiving unit (col. 11, lines 22-33), and

in the case where the read-out cumulative number does not exceed the copy permission number, said recording unit records the content into the second recording medium (col. 11, lines 22-33).

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**Regarding claim 15**, Kori discloses the content receiving apparatus according to Claim 14, wherein said recording unit updates the cumulative number to be incremented by one, said cumulative number corresponding to the content identification information memorized by said memory unit, when confirming that the overall content is received, and recorded into the second recording medium, based on the content status information (Fig. 8: after end flag is detected in step S9, then “copy count = copy count - 1” in step S10 which is the equivalent of an increment by one in light of the count system used by Kori).

**Regarding claim 16**, Kori discloses the content receiving apparatus according to Claim 15, wherein said recording unit updates the cumulative number to be incremented only by one in the case where said recording unit has been able to confirm the status has been transferred in the order of the head part, to the center part and to the end part (Fig. 8: step S4 detects start flag of a head part, step S9 detects end flag of an end part; and col. 6, lines 30-38: center flags are “00”), said status being in the overall content indicated by the content status information corresponding to said each of the plurality of content blocks (paragraph bridging cols. 6 and 7).

**Regarding claim 17**, Kori discloses the content receiving apparatus according to Claim 15, wherein said recording unit updates the cumulative number to be incremented only by one, in addition to the confirmation by the content status information, in the case where all of the content identification information (e.g., ISRC) corresponding to said each of the plurality of content blocks is identical (paragraph bridging cols. 4 and 5: “if plural pieces of information content identified by the same ISRC end in 1 chorus, the copy may be regarded as complete”) (col. 11, lines 14-33: it is checked whether the ISRC of the blocks is identical to an ISRC in the copy history in the table TB, and makes decrement (equivalent to increment in light of the count

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system used by Kori) in such a situation that the end flag is detected when the ISRC is identical to that in table TB).

**Regarding claim 18**, Kori discloses the content receiving apparatus according to Claim 13,

wherein the content identification information (e.g., ISRC) is accompanied by a validity flag (e.g., CGMS bits B2 and B3 in Fig. 2; or e.g., copy number bits B4-B6 in Fig. 2) indicating whether or not the content identification information is valid data (i.e. whether or not the ISRC information is valid non-copy-wise (i.e. whether or not it is non-copy-able data); or i.e. whether the copy number is 0), and

the recording unit checks the validity flag, and in the case where the result indicates that the content identification information is invalid (i.e. not non-copy-able; or i.e. copy number is greater than 0 as checked in step S7 of Fig. 8), the recording unit records the content into the second recording medium (col. 11, lines 6-13: "If the CGMS information is "00" or "10" indicating that copying is permitted, the controller 40 starts a recording operation (step S3)"; or col. 11, lines 22-23: "If the copy permitted count is 1 or more, the controller 40 continues recording").

**Claims 19** has similar limitations as claim 13, and is rejected for the same reasons applied to claim 13.

**Regarding claim 20**, Kori discloses a non-transitory recording medium containing a program for a content receiving apparatus which receives, from outside, content of a first recording medium that is digital copyrighted work including a plurality of content blocks, and records the content in a second recording medium, the program, when executed by a computer,

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being configured to cause the computer to execute the content receiving method according to Claim 19 (col. 10, lines 53-57: “The processing shown in FIG. 6 is mainly executed by the controller 40” where the processing inherently requires a program in order to be carried out, and where the program inherently requires being stored on a recording medium in order for it to exist).

**Regarding claim 21**, Kori discloses a content transmitting apparatus which transmits content of a first recording medium that is digital copyrighted work including a plurality of content blocks (paragraph bridging cols. 6 and 7: “data are made up of blocks”), the apparatus comprising:

a transmission unit (Fig. 5: 23 and/or 24) configured to transmit the content to an external apparatus (apparatus of Fig. 6), for each of the plurality of content blocks (paragraph bridging cols. 6 and 7: “data are made up of blocks”), and further transmit copy control information (e.g., Fig. 2: CGMS) indicating copy permission of the content that corresponds to the content block that is being transmitted (col. 1, lines 51-58), content identification information (e.g., Fig. 2: ISRC found in content ID) identifying the content that corresponds to the content block that is being transmitted (col. 4, lines 27-31), and content status information (e.g., Fig. 2: start flag and end flag found in copy control information) that is position information for the content block that is being transmitted (col. 6, lines 30-38), the content status information indicating a position of the block in the content (col. 6, lines 30-38),

wherein said transmission unit is configured to:

repeat transmitting the copy control information from a start of transmitting the content to an end of transmitting the content (col. 6, lines 38-44: “the electronic watermark information of

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content ID and the electronic watermark information are superimposed on the entire interval between the start and end of each piece of information content, resulting in a state in which each electronic watermark information is superimposed repeatedly multiple times”),

repeat transmitting the content identification information from the start of transmitting the content to the end of transmitting the content (col. 6, lines 38-44: “the electronic watermark information of content ID and the electronic watermark information are superimposed on the entire interval between the start and end of each piece of information content, resulting in a state in which each electronic watermark information is superimposed repeatedly multiple times”), and

transmit (i) at least twice, content status information indicating that the content block that is being transmitted is located at a head part of the content, (ii) content status information indicating that the content block that is being transmitted is located at a central part of the content, and (iii) at least twice, content status information indicating that the content block that is being transmitted is located at an end part of the content (The paragraph bridging cols. 6 and 7 indicates that: “The content ID and the copy control information are attached to each block of data”. Col. 6, lines 31-38 indicates that: “It should be noted that the bit of the start flag of the copy control information is “1” at the beginning of the information content indicated as “START” shown in FIG. 4. At the end of the information content indicated as “END” shown in FIG. 4, the bit of the end flag of the copy control information is “1”. In the portion of the information content between “START” and “END”, the bits of the start and end flags of the copy control information are both “0”s”. Therefore, the combination of the above two citations indicates that for one copy of content made, there will be (i) at least one content block with an

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attached start flag value of “1” indicating that the content block is located at a head part, (ii) content blocks having attached flag values of “0” indicating that the content blocks are located at a central part, and (iii) at least one content block with an attached end flag value of “1” indicating that the content block is located at an end part. Additionally, col. 4, lines 41-51 indicates that copies of content may be permitted multiple times, in which case the transmission unit is configured to transmit the content blocks multiple times (e.g., twice), and thus is configured to transmit the above-mentioned start and end flags values of “1” twice.).

*Allowable Subject Matter*

8. **Claims 11 and 12** are allowed over the prior art of record.
9. **Claims 6 and 7** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
10. The following is a statement of reasons for the indication of allowable subject matter:
  - (a) **In regard to claims 6 and 7**, see the reasons noted in the previous Office action mailed on October 3, 2011.
  - (b) **In regard to claim 11**, the prior art of record alone or in combination fails to teach or suggest the bolded/italicized limitations of claim 11 in combination with the rest of the limitations of claim 11:

A content transmitting method for transmitting content of a first recording medium which is digital copyrighted work including a plurality of content blocks, the method comprising:

transmitting the content to an external apparatus, for each of the content blocks, and further transmitting copy control information indicating copy permission of the content that corresponds to the content block that is being

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transmitted, *content identification information identifying the content that corresponds to the content block that is being transmitted*, and content status information that is position information for the content block that is being transmitted, the content status information indicating a position of the block in the content,

wherein the transmitting includes:

repeating transmitting the copy control information from a start of transmitting the content to an end of transmitting the content,

repeating transmitting the content identification information from the start of transmitting the content to the end of transmitting the content,

transmitting (i) at least twice, content status information indicating that the content block that is being transmitted is located at a head part of the content, (ii) content status information indicating that the content block that is being transmitted is located at a central part of the content, and (iii) at least twice, content status information indicating that the content block that is being transmitted is located at an end part of the content, and

*including, when the content identification information is divided into first information and second information different from each other, flag information into the first information and transmit the second information after the first information, the flag information indicating that information related to the content identification information follows.*

(c) **Claim 12** has similar allowable features as claim 11.

### *Response to Arguments*

11. Applicant's arguments filed December 29, 2011 have been fully considered but they are not persuasive.

(a) Applicant argues (**Remarks: page 16, lines 7-12**) that: "the independent claims of the present application clearly recite that, for example, content status information indicating that the content block that is being transmitted is located at a head part of the content is transmitted at least twice. It is clear that Kori fails to disclose any information corresponding to the claimed content status information indicating that the content block that is being transmitted is located at a head part (or end part) of the content."

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In response, the examiner submits that the paragraph bridging columns 6 and 7 indicates that: The content ID and the copy control information are attached to each block of data”. Additionally, col. 6, lines 31-38 indicates that: “It should be noted that the bit of the start flag of the copy control information is "1" at the beginning of the information content indicated as "START" shown in FIG. 4. At the end of the information content indicated as "END" shown in FIG. 4, the bit of the end flag of the copy control information is "1". In the portion of the information content between "START" and "END", the bits of the start and end flags of the copy control information are both "0"s”.

Therefore, the content status information attached to each content block being transmitted will indicate if the content block is at a head part (or end part). For example, if content status information attached to a transmitted content block has a start flag value of "1", then it would be clear that the content block is located at a head part of the content. Similarly, as another example, if content status information attached to a transmitted content block has an end flag value of "1", then it would be clear that the content block is located at an end part of the content.

Additionally, col. 4, lines 41-51 indicates that copies of content may be permitted multiple times, in which case the transmission unit is configured to transmit the content blocks multiple times (e.g., twice), and thus is configured to transmit the above-mentioned start and end flags values of “1” twice.

Additionally, regarding independent claim 1, the claim is an apparatus claim and only really claims a transmission unit “configured to” transmit information. It has been held that the recitation that an element is “adapted to” perform a function is not a positive



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limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138. Similarly, it can be said that the recitation that an element is “configured to” perform a function is not a positive limitation but only requires the ability to so perform. Since element(s) 23a and/or 24d is an output terminal for outputting data, it has the ability to so perform the transmission of data that is supplied to it to be output. Thus, all of the data transmissions (i.e. repeat transmitting copy control information, repeat transmitting content identification information, content status information, first information, second information, flag information, etc.) being claimed in claim 1, are all involving transmission of data which the output terminal 24d has the ability to perform.

Additionally, regarding independent claims 13 and 19, the limitations that have been newly amended into the claims are located in the preambles of the claims. Further, these limitations deal mostly with transmission, whereas claims 13 and 19 deal with receiving. In order for the newly added limitations to be given patentable weight, they should be amended into the bodies of claims 13 and 19 in such a way that they actually affect the structure of the receiving apparatus of claim 13 and the affect steps of the receiving method of claim 19.

(b) Applicant argues (**Remarks: page 16, lines 15-17**) that: “the flags of Kori do not indicate the content block that is being transmitted is located at a head part (or end part) of the content.”

In response, the examiner submits that this is not found to be persuasive for at least reasons found above in item 11(a).

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***Relevant Prior Art***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- (a) **Ichimura (US 7010687 B2)** teaches transmitting and receiving units for transmitting and receiving blocks of data having ISRC inserted.
- (b) **Asada et al. (US 6272286 B1)** is a U.S. version of WO 01/05148 A1 cited in the IDS submitted on September 20, 2011.

***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK FISCHER whose telephone number is (571)270-3549.

The examiner can normally be reached on Monday-Friday from 9:00AM to 6:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Thi Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. F./

Examiner, Art Unit 2627

/HOA T NGUYEN/

Supervisory Patent Examiner, Art Unit 2627